

CITY OF GARDNER



**MANCA ANNEX
115 PLEASANT STREET
GARDNER, MA 01440**

LAND DEVELOPMENT GUIDEBOOK

AUGUST 2009

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August 2009



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1. INTRODUCTION

The purpose of this guidebook is to help developers navigate the permitting process related to land-based developments in Gardner. The regulation of land-based development normally requires numerous permits and approvals from various City departments, boards and commissions. This guidebook identifies the boards, commissions and departments that regulate land-based development and the processes involved in applying for and receiving the permits relevant to your land-based project. More detailed information is given in the appendices.

Section 2 identifies the boards, commissions and departments that regulate and impact land-based development and includes their function, type of permit issued, schedule of meetings and contact info. You will find information about the Development Review Committee, Planning Board, Zoning Board of Appeals, Conservation Commission, Board of Health, Traffic Commission, Department of Public Works, Department of Engineering & Survey, Department of Community Development & Planning, and the Building Commissioner.

Section 3 explains the review and approval process for each of the most commonly required permits that a land developer will need prior to securing a building permit. You will find information about Special Permits and Variances per MGL Chapter 40A; the Subdivision of Land per MGL Chapter 41; Order of Conditions per MGL Chapter 30A; and Site Plan Review per Section 1010 of the City's Zoning Ordinance.

Section 4 outlines the expedited permitting provisions in MGL 43D and identifies the three Priority Development Districts designated by the Mayor and City Council in which these provisions apply.

The Appendices contain flow charts and timelines of the review and approval process for the permits listed above as well as links to where you will find relevant rules, regulations, application forms, and the City's zoning map.

This guidebook will hopefully direct you through the land development process to an outcome that is mutually beneficial to you and to the residents of the City of Gardner. But please keep in mind that this is just a guide, containing summary information only. As a developer, it is your responsibility to obtain copies of all applicable regulations so you can learn firsthand the requirements and standards by which your project will be evaluated. No one else can do this for you or take away your responsibility for complying with these rules and regulations. Familiarity with the rules and regulations at the beginning of a development project helps facilitate the approval process and can avoid costly and time-consuming design changes after substantial engineering or architectural work has been done. Refer to Appendix G for a listing of where to find relevant rules, regulations and application forms.

Pre-submission discussions with City staff are strongly encouraged. The first point of contact to arrange pre-submission discussions and a meeting with the Development Review Committee is the Director of Community Development & Planning. Contact information is in Appendix I. This guidebook is available in Community Development office, Manca Annex, City Hall for \$15.00 and on the City's website: www.gardner-ma.gov at no charge.

2. BOARDS, COMMISSIONS AND DEPARTMENTS

Development Review Committee (DRC)

Meeting Schedule: Thursdays at 10:30 AM as needed in Room 203, Manca Annex, City Hall; contact Department of Community Development & Planning (DCDP), 978-630-4011.

DRC members include: DCDP Director, City Engineer, DPW Director, Health Director, Building Commissioner, Conservation Agent, Fire Chief or his designee, Police Chief or his designee, and one member from the Planning Board, Zoning Board of Appeals, and City Council.

Depending on the size and scale of your project, submission of a Preliminary Development Plan to the DCDP and a Preliminary Plan Conference with the DRC may be required. The intent of this submittal and meeting is to permit a full understanding of the proposed development before detailed design and planning occurs. The meeting provides the developer with an opportunity to explain the proposed project, to gain substantive reactions from City representatives and to determine agreement on detailed approaches and submittal requirements for the permit application process. A report of findings of the conference is prepared by the DCDP Director and submitted to the developer and relevant City departments, boards and commissions. Unanswered questions and unresolved issues are noted for both the developer and the boards.

Although permitting authorities are not obligated to follow the DRC recommendations, projects can avoid delays in the permit review process if the DRC review has already occurred.

Planning Board

Meeting Schedule: Second Tuesday of each month at 7:00 PM in Room 203, Manca Annex, City Hall; contact DCDP, 978-630-4011.

The Planning Board is authorized under Massachusetts General Laws (MGL) Chapter 41 to regulate the subdivision of land, the laying out and construction of roadways and installation of municipal services in subdivisions, and the improvement and sale of lots within a subdivision. This permitting process is controlled by the Board's Rules And Regulations Governing The Subdivision Of Land, last revised October 18, 2005.

The Planning Board also reviews and approves site plan applications under Section 1010 in the City's Zoning Ordinance. Contact the City Clerk to insure you get a copy of the up-to-date Zoning Ordinance. Site plan review provides for a review of plans for uses and structures which may have significant impacts on traffic; municipal buildings and public services and utilities; the environment; community economics; and the City's visual and historic character and development goals.

The Zoning Ordinance also designates the Planning Board as the Special Permit Granting Authority (SPGA) for the following:

- Water Supply Protection Overlay District (Section 520)
- Development Overlay District 1 (Section 530)
- Smart Growth Planned Unit Development (Section 540)
- Industrial & Commercial Heritage Planned Unit Development (Section 550)
- Infill Development (Section 630)
- Open Space Residential Development (Section 810)

The Director of Community Development and Planning can help you determine whether your project involves the subdivision of land or if it will require Site Plan Review or a Special Permit from the Planning Board.

Zoning Board of Appeals (ZBA)

Meeting Schedule: Second Tuesday of each month at 7:00 PM in first floor meeting room, Manca Annex, City Hall; contact Building Commissioner's office, 978-630-4007.

The ZBA is the Special Permit Granting Authority (SPGA) in most instances. Uses allowed by Special Permit are listed in the Use Regulations contained in Section 4 of the Zoning Ordinance. Special Permits from either the ZBA or Planning Board shall conform to the provisions of Section 1180 and shall not be detrimental or offensive or tend to reduce property values.

The ZBA also hears and decides on appeals or petitions for variances from the terms of the Zoning Ordinance with respect to particular land or structures as provided for in MGL Chapter 40A, section 10. This includes hearing petitions for relief in regard to the use of one's land and dimensional requirements for the use of one's land. The ZBA hears and decides appeals to a literal enforcement of the Zoning Ordinance by any person aggrieved by the permitting process.

If a building permit is denied by the Building Commissioner (who is also the Zoning Enforcement Officer) based on zoning considerations, the applicant may have recourse to appeal that decision to the ZBA.

Conservation Commission

Meeting schedule: Second and Fourth Monday of each month at 6:30 PM in second floor meeting room, Manca Annex, City Hall; contact Conservation Agent's office, 978-630-4011 or Conservation Commission Clerk's office, 978-630-4003.

The Conservation Commission's primary role is the protection and preservation of the City's natural resources. The Commission administers the Massachusetts Wetlands Protection Act (MGL Chapter 131, Section 40) and the City's Wetlands Protection Ordinance. In addition, the Commission acquires properties through purchase or gift and manages the properties to achieve its primary role as well as for the enjoyment of the general public. The goals of the Wetlands Protection Ordinance are to preserve and exercise jurisdiction over fresh water wetland areas and adjoining land areas by controlling activities deemed by the Conservation Commission as likely to have a significant adverse effect on the resource area, which includes public and private water supplies and ground water; prevention and control of flooding, erosion and sedimentation; prevention of storm damage; prevention and control of pollution; protection of water quality; protection of wildlife and wildlife habitat; and promotion of related aesthetic, recreation and education values.

The Wetlands Protection Act and the Wetlands Protection Ordinance provide protection to several types of resource areas. The resource areas most relevant to the City of Gardner include bordering vegetated wetlands and their buffer zones (areas within 100 feet of lakes, ponds and streams), land under water, land subject to flooding and riverfront areas (areas within 200 feet of a river or perennial stream).

The City's Wetlands Protection Ordinance provides additional protection to areas not covered under the Wetlands Protection Act such as some intermittent streams, vernal pools and set backs from resources areas – the first 30 feet is a no disturbance zone and the next 30 feet is a no build zone.

Any person wishing to do work that will disturb land within a wetlands resource area must file with the Commission prior to beginning work. If you are unsure if there are protected resource areas that might be disturbed, please contact the Commission – do not trust your own judgment. The Conservation Agent's job is to assist you with compliance.

Board of Health

Meeting schedule: Third Monday of every month at 7:00 PM in room 29, City Hall; contact Health Department, 978-630-4013.

The Board of Health, acting through the Health Department, strives to provide a safe and sanitary environment for the residents of Gardner. The Health Department enforces state and local environmental and health codes. Among the permits, licenses and services it provides are those for restaurants, markets, beaches, swimming pools, camps, housing, septic systems, wells and the transportation and storage of hazardous materials. The Health Department also operates the Gardner Transfer Station and oversees the curbside collection of trash and recyclables.

The Health Director can help you determine whether your project will require Board of Health permits or approvals, and explain the procedures for obtaining these permits.

Other Key Departments and Commissions

- **Survey Department (City Engineer)** – The City Engineer should be consulted on questions about parcel boundaries, easements, curb cuts and storm water drainage. The City's Geographic Information System (GIS) provides access to a wide variety of maps including the location of underground sewer and water services, mains and hydrants, parcel boundaries, abutters, public ways, etc. The City Engineer provides technical assistance to the Planning Board. All plans related to the extension or improvement to public ways and municipal utilities are reviewed and approved by the City Engineer. Contact information is in Appendix I.
- **Department of Public Works (DPW)** – The Department of Public Works is responsible for the construction and maintenance of streets, sewer and water mains and hydrants. Any project that involves the construction of these municipal utilities must consult with the Director of Public Works and the publication that details City Specifications for Water, Sewer, Drainage and Highway. Prior written approval from the Director of Public Works or his designee is required before commencing any excavation within the limits of a public way including sidewalks or connection to any existing municipal utility. And don't forget to call DIG SAFE (888-344-7233). Contact information for the Director is in Appendix I. The Highway Department can be reached on 978-632-7661. The Sewer and Water Departments can be reached on 978-630-4015.
- **Fire Department** – The Fire Department reviews all subdivision and site plans and applications for Special Permits. The Fire Department also inspect and issue permits for fire alarm and sprinkler systems; smoke and carbon monoxide detector installations; commercial kitchen hood vents and suppression systems; chemical and hazardous material inventories; underground tank installations; flammable storage facilities and tank trucks; and trench openings. Contact information is in Appendix I.
- **Traffic Commission** – Members of the Traffic Commission include the Police Chief or his designee, as Chairman; a member of the City Council's Public Safety Committee; City Engineer; Director of Public Works; and Director of Community Development & Planning. The Director of

Public Works, under the supervision of the Traffic Commission, places and maintains all official traffic signs and signals, markings and safety zones. The Traffic Commission also monitors all traffic related issues from signs to major project proposals and makes recommendations to the City Council regarding changes required to the Traffic Ordinance. Contact information is in Appendix I.

3. PERMITS AND PROCESS

Special Permits

The Zoning Ordinance contains a Table of Uses (Section 415) that sets forth use regulations in residential, commercial and industrial districts. Various uses are permitted by right – only a building permit is required if the proposed structure conforms to the all provisions of the zoning ordinance and there is no subdivision of land. Other uses are allowed by Special Permit and some uses are not permitted. Special Permits are granted by the Zoning Board of Appeals unless specifically designated otherwise. The Planning Board is specifically designated as the granting authority in the following sections of the Zoning Ordinance: Infill Development (Section 630); Smart Growth Planned Unit Development (PUD), Industrial and Commercial PUD, and Development Overlay District (all in Section 5); and Open Space Residential Development (Section 8).

Special Permits are discretionary, and are granted only upon written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the City or the neighborhood in view of the particular characteristics of the site and of the proposal in relation to that site. Section 1182 in the Zoning Ordinance contains specific criteria that the granting authority must consider.

The application, review and approval of Special Permits are controlled by MGL Chapter 40A. Appendix B contains a flow chart and timeline for Special Permits. Links to relevant rules and application forms are contained in Appendix G. Questions about Special Permits should be directed to the Building Commissioner (978-630-4007) or the Director of Community Development & Planning (987-630-4014). Complete contact info is listed in Appendix I.

Variances

The Zoning Board of Appeals (ZBA) is empowered to grant variances from the terms and conditions of the Zoning Ordinance under specific circumstances where a literal interpretation of the ordinance imposes a substantial hardship on the petitioner/applicant, but only when:

- Soil conditions, slope or topography affect the land or structure in a special way, but not the zoning district in general;
- A literal enforcement would impose substantial hardship, financial or otherwise, to the applicant;
- Relief may be granted to the applicant without substantial detriment to the public good; and
- Relief may be granted to the applicant without substantial detriment to the intent and purpose of the Zoning Ordinance.

It cannot be over-emphasized enough that variances are granted ONLY when ALL of these conditions are met and then the ZBA may include conditions, safeguards and limitations of time and use which prevent substantial detriment to the public good.

The application, review and approval of Variances are controlled by MGL Chapter 40A, section 10. Appendix C contains a flow chart and timeline for Variances. Links to relevant rules and application forms are contained in Appendix G. Questions about Variances should be directed to the Building Commissioner (978-630-4007). Complete contact info is listed in Appendix I.

Subdivision of Land

The subdivision of land is controlled by the Subdivision Control Law, MGL Chapter 41, sections 81K-81GG, and the Gardner Planning Board's Rules and Regulations Governing the Subdivision of Land, revised October 18, 2005 (hereinafter referred to as 'Rules and Regulations'). The Planning Board is authorized to regulate the subdivision of land, the laying out and construction of roadways and installation of municipal services in subdivisions, and the improvement and sale of lots within a subdivision.

The subdivision of land is the division of a tract of land into two or more lots. If your project involves the subdivision of land and requires street construction to provide vehicular access to those lots, you must obtain subdivision approval from the Planning Board. The procedures for the submission and approval of subdivision plans are contained in Section 5 of the Planning Board's 'Rules and Regulations'. Detailed engineering plans are required to demonstrate compliance with required design standards and construction specifications for site work; street construction; water and sewer utility installation; and storm water, erosion and sediment control. Required design standards and construction specifications are contained in Sections 6 and 7 of the Planning Board's 'Rules and Regulations'. The application must also address likely impacts that the proposed subdivision will have on natural resources, water and wetlands, public facilities serving the area, the neighborhood and community services.

If you are interested in subdividing a tract of land, please consult engineering or surveying firms with appropriate experience preparing subdivision plans in Massachusetts.

In certain circumstances, the division of a tract of land into two or more lots will not constitute a subdivision if, at the time the division is made, the Planning Board or its designee determines that: (1) all lots abut a qualified way; (2) all lots have adequate frontage; and (3) vital access exists to each lot. This exception in the Subdivision Control Law allows an applicant to submit an Approval Not Required (ANR) plan, refer to Section 4 in the Planning Board's 'Rules and Regulations'.

The Director of Community Development & Planning (978-630-4014) or City Engineer (978-630-4010) can help you determine if a proposed subdivision of land is subject to the procedures for the submission and approval of a subdivision plan or the more limited application and review of an ANR plan. Appendix E contains a flow chart and time line for the subdivision of land. Links to relevant rules and application forms are contained in Appendix G. Complete contact info is listed in Appendix I.

Site Plan Review

Site Plan Review is controlled by Section 1010 in the Zoning Ordinance. Site plan review provides for the Planning Board to review plans for residential, commercial and industrial projects which may have a significant impact on traffic, municipal services and utilities, the environment, and community economics and values. Site plan review is triggered by a project which contains any one or more of the following:

- Any new structure or group of new structures under the same ownership on the same or contiguous lots that consist of 5,000 square feet or more of gross floor area;
- Any improvement, alteration or change in use which results in an increase of 2,500 square feet or more of gross floor area;
- An addition of 30 or more new parking spaces as required under the Zoning Ordinance;
- An addition of 500 or more vehicle trips per weekday; and
- An adult use as defined in the Zoning Ordinance.

Detached single-family and two-family dwellings are excluded from site plan review. The Director of Community Development & Planning (978-630-4014) can help you determine if a proposed project is subject to site plan review.

A summary of Site Plan Review procedures and timeline for site plan review is contained in Appendix F. Links to relevant application forms are contained in Appendix G. Complete contact information is available in Appendix I.

Wetlands Development Permits

The Conservation Commission's primary role is the protection and preservation of the City's natural resources. The Commission administers the Massachusetts Wetlands Protection Act (MGL Chapter 131, Section 40) and the City's Wetlands Protection Ordinance.

No alterations can be made to a protected wetlands resource area or to adjoining land areas without a permit from the Conservation Commission. Do not trust your own judgment if you are unsure if your project might disturb a resource area or an area within 100 feet of a resource area, known as a buffer zone. Buffer zones around perennial streams are expanded to 200 feet from stream's banking. The Conservation Agent (978-630-4011) will assist you with compliance.

The two most often used types of applications to the Conservation Commission are a Request for Determination of Applicability (RDA) and a Notice of Intent (NOI). If you wish to know whether or not a proposed activity or area on a lot is subject to jurisdiction of the Conservation Commission, file an RDA. If you have sought professional advice and determined that a proposed activity is subject to the jurisdiction of the Conservation Commission, file an NOI. Links to the relevant rules and application forms are contained in Appendix G. A flow chart and timeline that starts with the filing of a NOI is contained in Appendix D. Complete contact information is available in Appendix I.

Other Local Permits and Approvals

- **Work within a public way** – Prior written approval from the Director of Public Works or his designee is required before commencing any excavation within the limits of a public way including sidewalks or connection to any existing municipal utility.
- **Alterations, Extensions or Connections to Public Utilities**—No alterations, extensions or connections to public sewer, water or drainage systems shall be made without first obtaining written approval from the Director of Public Works.
- **New Driveway or Altering Curb** – Prior written approval from the City Engineer is required before commencing work to create or alter a curb cut. The City Engineer's office will also provide a street address when a new building lot is created.

- **Signs** – Signs and other advertising devices are regulated by Section 9 in the Zoning Ordinance. With few exceptions, signs require a sign permit from the Building Commissioner.
- **Fire Safety** – The Fire Department inspect and issue permits for fire alarm and sprinkler systems; smoke and carbon monoxide detector installations; commercial kitchen hood vents and suppression systems; chemical and hazardous material inventories; underground tank installations; flammable storage facilities and tank trucks; and trench openings.
- **Building/Occupancy Permits** – A Building Permit is issued by the Building Commissioner when plans for the project are determined to be in compliance with State building, electric and plumbing codes, as well as the City's Zoning Ordinance. An Occupancy Permit is issued by the Building Commissioner when the project is completed and a final inspection determines compliance with State codes and the City Zoning Ordinance.

A list of State and Federal Permits related to land-based development is contained in Appendix J. The list is not intended to be all-inclusive. Anyone considering a land-based development that might require State and/or Federal Permits should consult with a professional engineer or surveyor as early in the process as possible.

4. Expedited Permitting under MGL 43D

This section of the guidebook is markedly different than the other sections because expedited permitting under MGL 43D and 420 CMR 2.00 is a relatively new permitting process; adopted by the City Council on October 16, 2007 and approved by the Massachusetts Interagency Permitting Board on September 24, 2008. At the time of City Council adoption of the permitting procedures contained herein no project has submitted an application under the provision of 43D. For this reason, Section 4 contains more details about the expedited permitting process and can be used by both City staff and potential developers as a standalone guide.

What is MGL 43D?

Massachusetts General Law Chapter 43D (MGL 43D) provides a legal basis for local governments to streamline their permit processes as a tool to support economic development. Local governments that choose to participate designate certain parcels as local Priority Development Sites. The City of Gardner has three approved Priority Development Sites:

- Summit Industrial Park (3 parcels totaling 114.66 acres)
- Rear Main Street Corridor in Downtown (6 parcels totaling 7.12 acres)
- The S. Bent Mill/Garbose properties on Mill Street (2 parcels totaling 37.8 acres)
- A list of parcels and maps for each Priority Development Site are contained in Appendix H.

What is the benefit to using MGL 43D?

Expedited permitting will guarantee a prospective developer that a decision on a permit application is granted within 180 days of the application being deemed complete. Expedited permitting will also ensure that development is constructed in a manner that is:

- Compatible with existing development
- Accounts for minimizing traffic impacts through appropriate mitigation
- Maintains environmental quality

- Improves community economics
- Compatible with community character.

Additionally, a Priority Development Site is given priority consideration for State resources such as grants to make infrastructure improvements, Brownfield remediation assistance and workforce training, and will be included in the State's marketing efforts.

Please note that nothing in Chapter 43D shall be construed to alter the substantive jurisdictional authority of any Issuing Authority. An Issuing Authority is a local board, commission or department that is responsible for issuing permits, granting approvals or otherwise involved in land use development including redevelopment of existing buildings and structures.

Permitting Process through MGL 43D

The Director of Community Development and Planning or his designee (hereinafter 'Director') is the Point of Contact for anyone interested in a project located on a MGL 43D Priority Development Site. The first step is to meet with the 'Director' to discuss the project and to schedule a meeting with the Development Review Committee. All applicants seeking to use the expedited permitting process must meet with the Development Review Committee (DRC) prior to submitting an application. Within three (3) business-days after the DRC meeting, each Issuing Authority will provide the 'Director' with a Determination Of Permits Required form (located at the end of this section). Within five (5) business-days after meeting with the DRC, the 'Director' will give the applicant a packet providing all municipal application forms or the web-addresses to access application forms required to permit the project.

The applicant must submit a complete application along with all required information and payment of fees to the Point of Contact, Department of Community Development and Planning, 115 Pleasant Street, Room 201, Gardner, MA, 978-630-4014.

After consultation with all affected Issuing Authorities and within 20 business-days from the date of receiving the application, the 'Director' will determine if the application is complete and will notify the applicant by certified mail as to the completeness of the applications. The 180 calendar-day review period shall commence the day after the notice of completeness is mailed.

If the Director determines that an application is incomplete, the applicant shall be notified by certified mail with an explanation as to why the application is incomplete and with a request for the information necessary to complete the application. The resubmission of an application package will begin a new 20 business-day completeness review period.

The 20 business-day completeness review period may be waived or extended for good cause upon written request of the applicant with the consent of the 'Director' or upon written request of an Issuing Authority with the consent of the applicant.

If the 'Director' fails to notify the applicant by certified mail within 20 business-days from the date of submitting the application, the application shall be deemed complete.

The application form for 43D Project Review, Determination of Permits Required and the Determination of Completeness Worksheet are located in Appendix H.

The City must complete the local permitting process within 180 calendar-days after the certified notice of completeness is sent, or the 20 business-day completeness review period has expired. The 180 day review period may be extended by the 'Director' if a previously unidentified permit or review is determined necessary within the first 150 calendar-days of the review process. Immediate notice of such additional requirement must be sent to the applicant by certified mail, with a copy to the State Interagency Permitting Board (SIP Board). A maximum of 30 calendar-days of extension may be granted. Where a public notice and comment or hearing are required, the end of the review period shall be not later than 30 days from the later of the close of the hearing or comment period, which shall be scheduled to commence as quickly as publication deadlines allow.

The 180 calendar-day review period may also be extended when an Issuing Authority determines that:

- Action by another federal, state or municipal government agency not subject to MGL 43D is required before the Issuing Authority may act;
- Pending judicial proceedings affect the ability of the Issuing Authority or applicant to proceed with the application; and
- Enforcement proceedings that could result in revocation of an existing permit for the project or denial of the applicant have been commenced.

In these instances, the Issuing Authority shall provide written notice to the Secretary of Housing and Economic Development and the SIP Board by certified mail. When the reason for the extension is no longer applicable, the Issuing Authority shall immediately notify the applicant, Secretary and SIP Board by certified mail, and shall complete its decision within the time frame specified in this section, beginning the day after the notice to resume is issued.

If the 'Director', in consultation with the Issuing Authority, determines that substantial modifications to the project, since the application, render the Issuing Authority incapable of making a decision on the application, an extension of the review period may be granted by the SIP Board of demonstrated good cause at the written request of the Issuing Authority. The Issuing Authority shall provide terms for the extension including the number of additional days requested. Within 10 business days of receipt of the request, the SIP Board shall respond to the Issuing Authority with an extension determination.

If the applicant makes a substantial modification to a project for the purpose of public benefit, the Issuing Authority may request an extension from the SIP Board and shall make every reasonable effort to expedite the processing of the permit.

Permit Modifications

Issuing Authorities shall make every effort to review permit modification requests within as short a period as is feasible to maintain the integrity of the expedited permitting process. An Issuing Authority shall inform an applicant within 20 business days of receipt of a request whether the modification is approved, denied, determined to be substantial or required additional information for the Issuing Authority to issue a decision. If additional information is required, the Issuing Authority shall inform an applicant by certified mail within 20 business days after receipt of the required additional information whether the modification is approved or denied or that further additional information is required by the Issuing Authority in order to render a decision.

Automatic Grant of Approval

Failure of any Issuing Authority to take final action on a permit within the 180 calendar-day review period, or properly extended review period, shall be considered a grant of the permit by that Issuing Authority.

In such case, within 14 calendar days after the date of the expiration of the time period, the applicant shall file an affidavit with the City Clerk. The affidavit shall include the application and documentation setting forth the facts giving rise to the grant. It shall also include documentation that notice of the grant has been mailed, by certified mail, to all parties to the proceedings which includes all persons who provided testimony or submitted written comments on record during the public hearing for the project, and all persons entitled to notice of hearing in connection with the application.

An automatic grant shall not occur:

- Where the 'Director' has made a timely determination that the application packet is not complete and the applicant does not provide the requested information within 90 calendar-days.
- When the 'Director', in consultation with the Issuing Authority, has determined that substantial modifications to the project, since the application, render the Issuing Authority incapable of making a decision on an application.
- Where the 'Director' has determined that a final application contains false or misleading information. In such event, the 'Director' must submit a statement of findings to the SIP Board and the applicant by certified mail.

Appeals

Appeals of an Issuing Authority decision or from an automatic grant of approval shall be filed within 20 calendar-days after the last individual permitting decision is rendered or within 20 calendar-days after conclusion of the 180 calendar-day period.

Appeals under the provision stated above shall not apply to appeals pursuant to MGL Chapter 131, Sections 40 and 40A, which shall continue to be appealed in accordance with MGL Chapter 131, Chapter 30A and applicable regulations.

Permit Transfers and Renewals

Permits shall not transfer automatically to successors in title, unless the permit expressly allows the transfer without the approval of the Issuing Authority.

Issuing Authorities may develop procedures for simplified permit renewals and annual reporting requirements. If the procedures are not developed, renewals of permits shall be governed by the procedures and timelines specified in this Section.

Permits issued pursuant to Chapter 43D expire 5-years from the date of the expiration of the applicable appeal period unless exercised sooner. Where permits cover multiple buildings, commencement and

continuation of construction of one building shall prevent expiration of all permits on that site. Nothing in this Section shall limit the effectiveness of MGL Chapter 40A, Section 6.

State Permitting

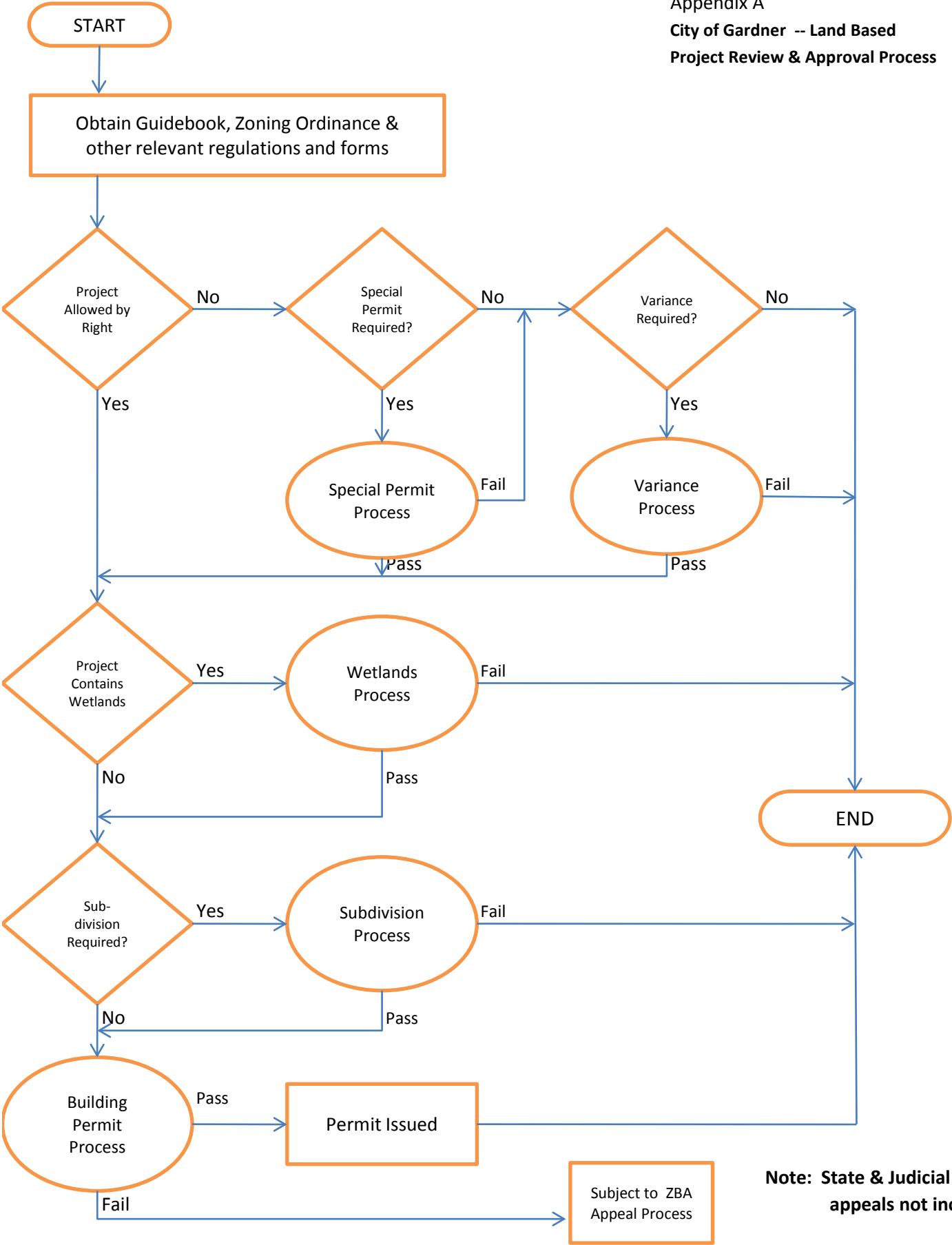
Reviews required under MEPA, MGL Chapter 30, Sections 61 to 62H, or Massachusetts Historic Commission, MGL Chapter 9, Sections 26 to 27C, inclusive, shall conclude within 120 calendar-days of a state determination of completeness of required review materials, as established by the Executive Office of Environmental Affairs (EOEA) in consultation with the Secretary of State. The aforementioned reviews shall take place concurrently with the 180 calendar-day municipal permitting review process. The Secretary of EOEA and State Secretary shall establish time frames for all required filings and additional filings by the applicant in order to comply with this requirement.

5. Conclusion

The Mayor, City Council, members of various boards and commissions and staff hope this guidebook is a valuable tool to anyone pursuing residential, commercial or industrial development in the City of Gardner. Please keep in mind that this is just a guide, containing summary information only and does not include a listing of all local permits, licenses and approvals. As a developer, it is your responsibility to obtain copies of all applicable regulations so you can learn firsthand the requirements and standards by which your project will be evaluated. No one else can do this for you or take away your responsibility for complying with these rules and regulations. Familiarity with the rules and regulations at the beginning of a development project helps facilitate the approval process and can avoid costly and time-consuming design changes after substantial engineering or architectural work has been done.

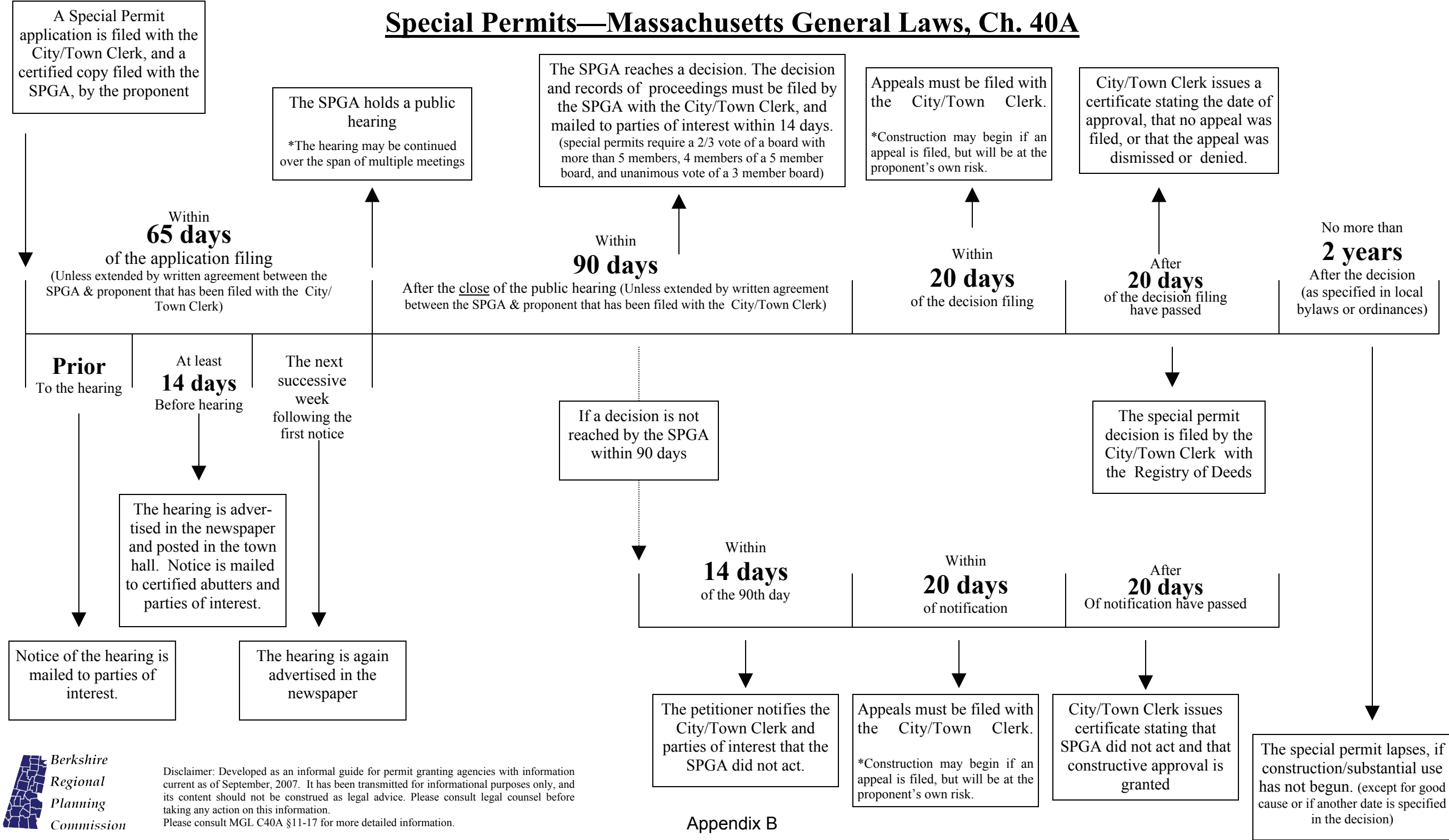
Thank you for doing business in the City of Gardner.

Appendix A
City of Gardner -- Land Based
Project Review & Approval Process

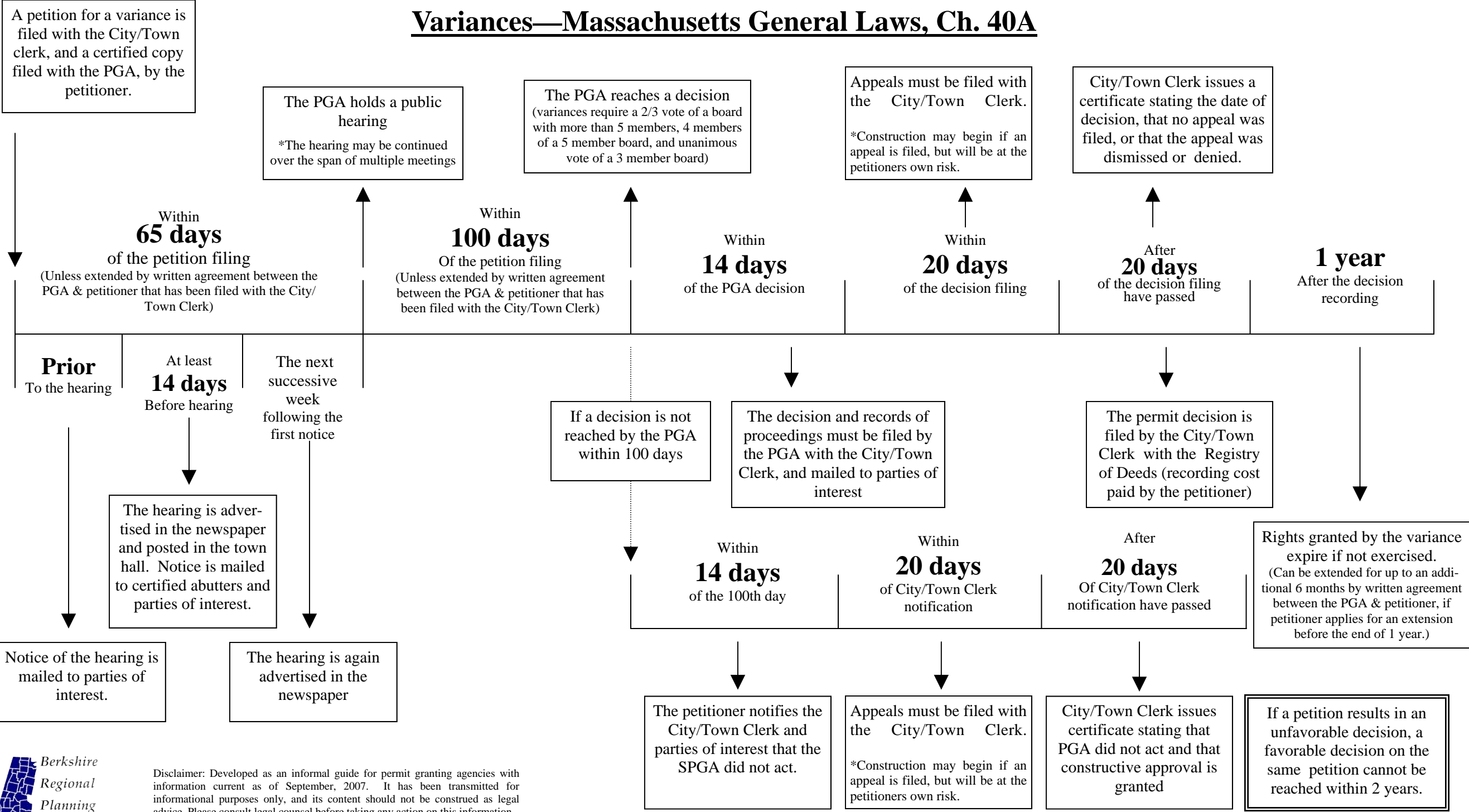


**Note: State & Judicial
appeals not included.**

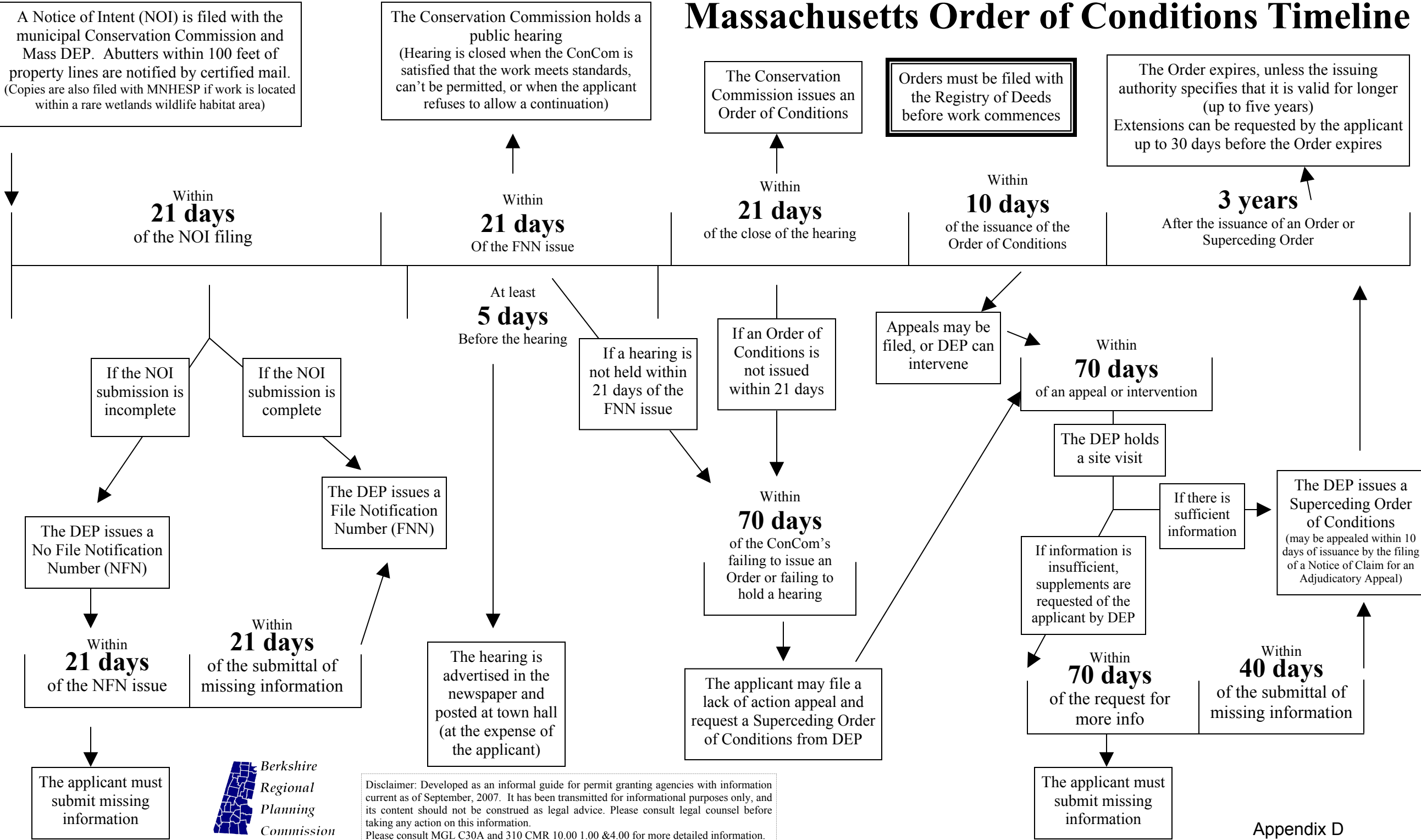
Special Permits—Massachusetts General Laws, Ch. 40A



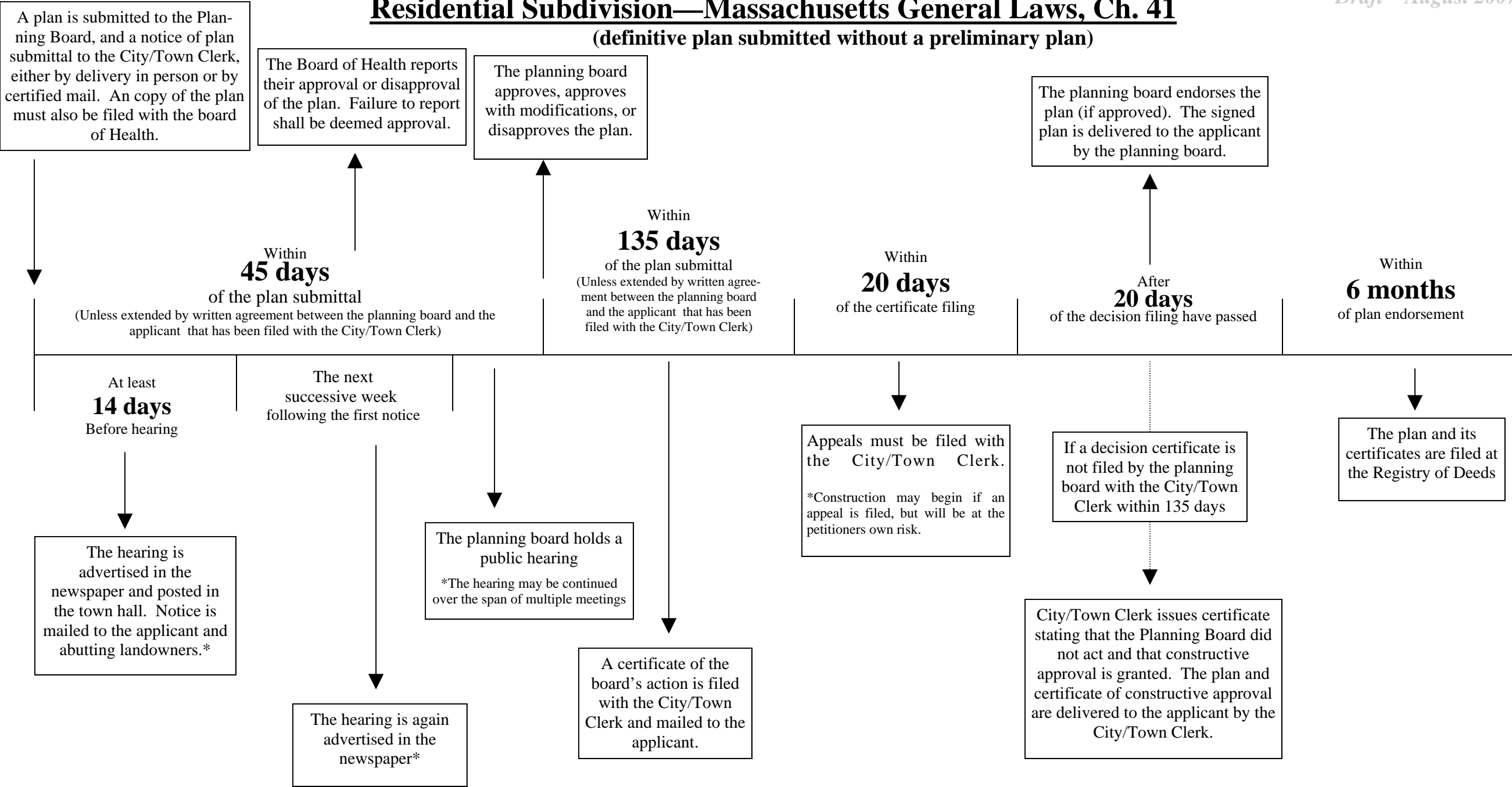
Variances—Massachusetts General Laws, Ch. 40A



Massachusetts Order of Conditions Timeline



Residential Subdivision—Massachusetts General Laws, Ch. 41
(definitive plan submitted without a preliminary plan)



GARDNER ZONING ORDINANCE
Section 1010 SITE PLAN REVIEW
Summary of Application & Review Procedures

Step One: Preparation of Preliminary Site Plan

The applicant is required to submit the following to the Planning Director:

1. A graphic and written description of the conceptual plan for site and building use improvements and functional/visual character.
2. A tentative diagrammatic plan of property subdivision to include identification of public/private access ways, utility services, parking facilities and open spaces.
3. A description of the potential impacts upon the environment and the neighborhood and, as appropriate, identification of mitigating solutions.
4. A summary of proposed uses and phasing parameters.

Step Two: The Preliminary Plan Conference

Within fifteen (15) working days of submitting a Preliminary Site Plan, a Preliminary Plan Conference will be held. The purpose of this meeting is to obtain an explanation of the proposed project, to gain substantive reactions from the public representatives, and to determine agreement on detailed approach and submittal requirements for the Definitive Development Plan. The Planning Director will report the findings of the Conference to the Applicant, Owner and Planning Board, specifying requirements of the Definitive Development Plan submission. Normally, this will occur within ten (10) working days after the conference.

Step Three: The Definitive Development Plan

The Definitive Development Plan must be of sufficient detail that construction could be completed without major adjustments. Schematic design and engineering drawings of professional quality must be submitted. Narrative and outline specifications of design and construction standards will usually be required. Depending on the environmental and economic significance of the site and project, landscaping and exterior architectural treatments may be required for presentation in a rendered site plan, building elevations, and site/building cross sections.

If required by the Planning Director or Planning Board, submittals concerning environmental, traffic, fiscal and neighborhood impacts will be presented as well as a final summary of project implementation and phasing strategy.

Immediately after receipt of the Definitive Development Plan, portions will be circulated to relevant agencies, followed by a review conference. Responsible staff will then prepare a summary of departmental comments/endorsements and assist the applicant to route all related materials to the Planning Board. The Planning Board will then schedule a Public Hearing and initiate internal review. The Planning Board has 90 days from the date of Definitive Plan submission to approve or not approve the Site Plan.

For additional information and clarification, contact Robert Hubbard, Planning Director, 978/630-4014 or rhubbard@gardner-ma.gov.

Links to Relevant Rules, Application Forms, Filing Fees and Maps

A. Planning Board

- Special Permits – <http://www.gardner-ma.gov/specialpermitrules.html>
- Subdivision Control – <http://www.gardner-ma.gov/forms/rulesregsrev10-18-05.pdf>
- Site Plan Review – <http://www.gardner-ma.gov/forms/commdev/SitePlanReviewProcess.pdf>
- Filing Fees are contained in each of the above links

B. Zoning Board of Appeals

- Special Permit Requirements – <http://www.gardner-ma.gov/forms/zoning/1180SpecialPermits.pdf>
- Variance – <http://www.gardner-ma.gov/forms/zoning/Variations.pdf>
- Application Form – <http://www.gardner-ma.gov/forms/zoning/ZBAApplication.pdf>
- Application Instructions – <http://www.gardner-ma.gov/forms/zoning/ZoningAppInstructions.pdf>
- Zoning Ordinance – <http://www.gardner-ma.gov/forms/amendedfinalzoning01092007.pdf>
- Filing Fees are contained in the 'Application Instructions' link

C. Conservation Commission

- Forms – <http://www.mass.gov/dep/water/approvals/wwforms.htm#wetlands>
- Wetlands Protection Ordinance – <http://www.gardner-ma.gov/forms/reports/wetlandsprotection.pdf>
- Fees are set by the Conservation Commission; consult with Conservation Agent to determine applicable fees.

D. Building Department Applications – <http://www.gardner-ma.gov/buildingapplications.html> (Filing fees are set in City Ordinance; consult with the Building Department to determine applicable fees.)

E. Maps and Other

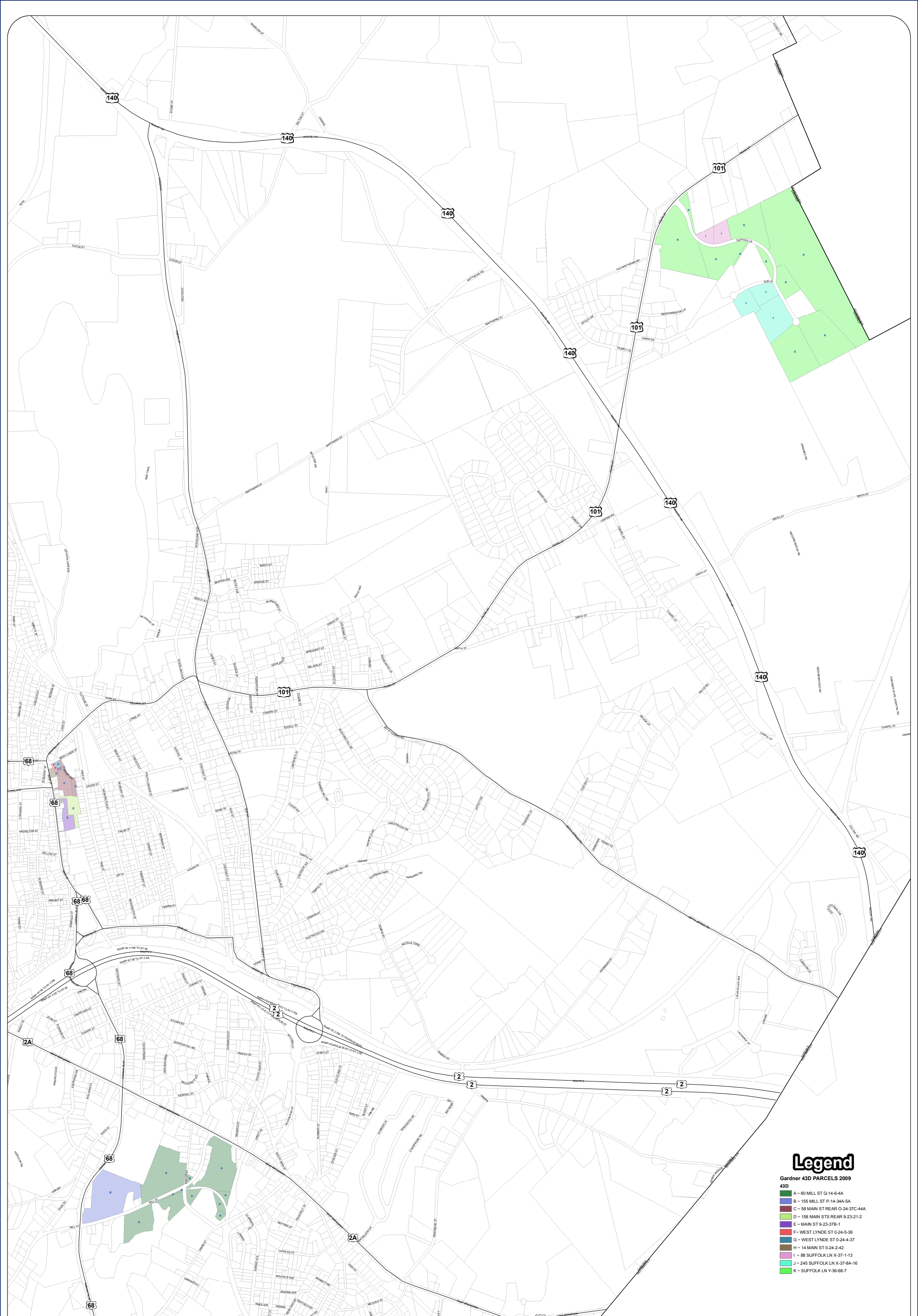
- Maps – <http://www.gardner-ma.gov/engineering.html> (A variety of maps are available from the office of the City Engineer; consult with the City Engineer to determine the cost of reproduction.)
- Road Opening Permit – <http://www.gardner-ma.gov/forms/ROADOPENINGPERMIT.pdf>
- Connect to City Sewer/Water/Drain – <http://www.gardner-ma.gov/forms/w-s-d-permit-2006.pdf>
- Driveway/Alter Curb – <http://www.gardner-ma.gov/forms/drivewaypermitform.pdf> (Filing fee is \$25.)
- Fire Department – http://www.mass.gov/?pageID=eopsterminal&&L=5&L0=Home&L1=Public+Safety+Agencies&L2=Massachusetts+Department+of+Fire+Services&L3=Department+of+Fire+Services&L4=Office+of+the+State+Fire+Marshal&sid=Eeops&b=terminalcontent&f=dfs_osfm_forms_osfm_forms&csid=Eeops (Filing fees are set by City Ordinance; consult with the Fire Department to determine applicable fees.)

Appendix H also contains a listing of local Fee Schedules set out in a different format. Please note that fee schedules are subject to change so always check with the Issuing Authority before writing a check.

City of Gardner – 43D Priority Development Sites – List of Parcels

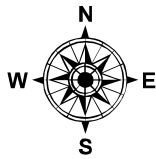
Rev. August 12, 2008

MAP KEY	ADDRESS	ASSESSORS' MAP BLOCK & LOT	OWNER	ACREAGE
<u>Mill Street 43D Priority Development Site</u>				
A	60 Mill Street	Q-14-6-4A	City of Gardner	27.06 acres
B	155 Mill Street	P-14-34A-5A	Bernard Garbose	<u>10.74 acres</u>
				37.80 acres
<u>Rear Main Street 43D Priority Development Site</u>				
C	58 Main Street Rear	O-24-37C-44A	RHO LTD	2.31 acres
D	158 Main Street Rear	P-23-21-2	Bushwood LLC	1.72 acres
E	Main Street	P-23-37B-1	RHO LTD	2.31 acres
F	West Lynde Street	O-24-5-36	City of Gardner	.22 acres
G	West Lynde Street	O-24-4-37	City of Gardner	.17 acres
H	14 Main Street	O-24-2-42	Colonial Coop	<u>.39 acres</u>
				7.12 acres
<u>Summit Industrial Park 43D Priority Development Site</u>				
I	88 Suffolk Lane	X-37-1-13	Lenihan & Pappas	3.31 acres
J	245 Suffolk Lane	X-37-8A-16	Advanced Realty LLC	11.97 acres
K	Suffolk Lane	Y-36-68-7	Gardner Redevelopment Auth.	<u>99.38 acres</u>
				114.66 acres
TOTAL				159.58 acres



Legend

- Gardner 43D PARCELS 2009**
43D
- A - 60 MILL ST Q-14-6-4A
 - B - 155 MILL ST P-14-34A-5A
 - C - 58 MAIN ST REAR O-24-37C-44A
 - D - 158 MAIN STS REAR 9-23-21-2
 - E - MAIN STS 9-23-37B-1
 - F - WEST LYNDE ST 0-24-5-36
 - G - WEST LYNDE ST 0-24-4-37
 - H - 14 MAIN ST 0-24-2-42
 - I - 88 SUFFOLK LN X-37-1-13
 - J - 245 SUFFOLK LN X-37-8A-16
 - K - SUFFOLK LN Y-36-68-7



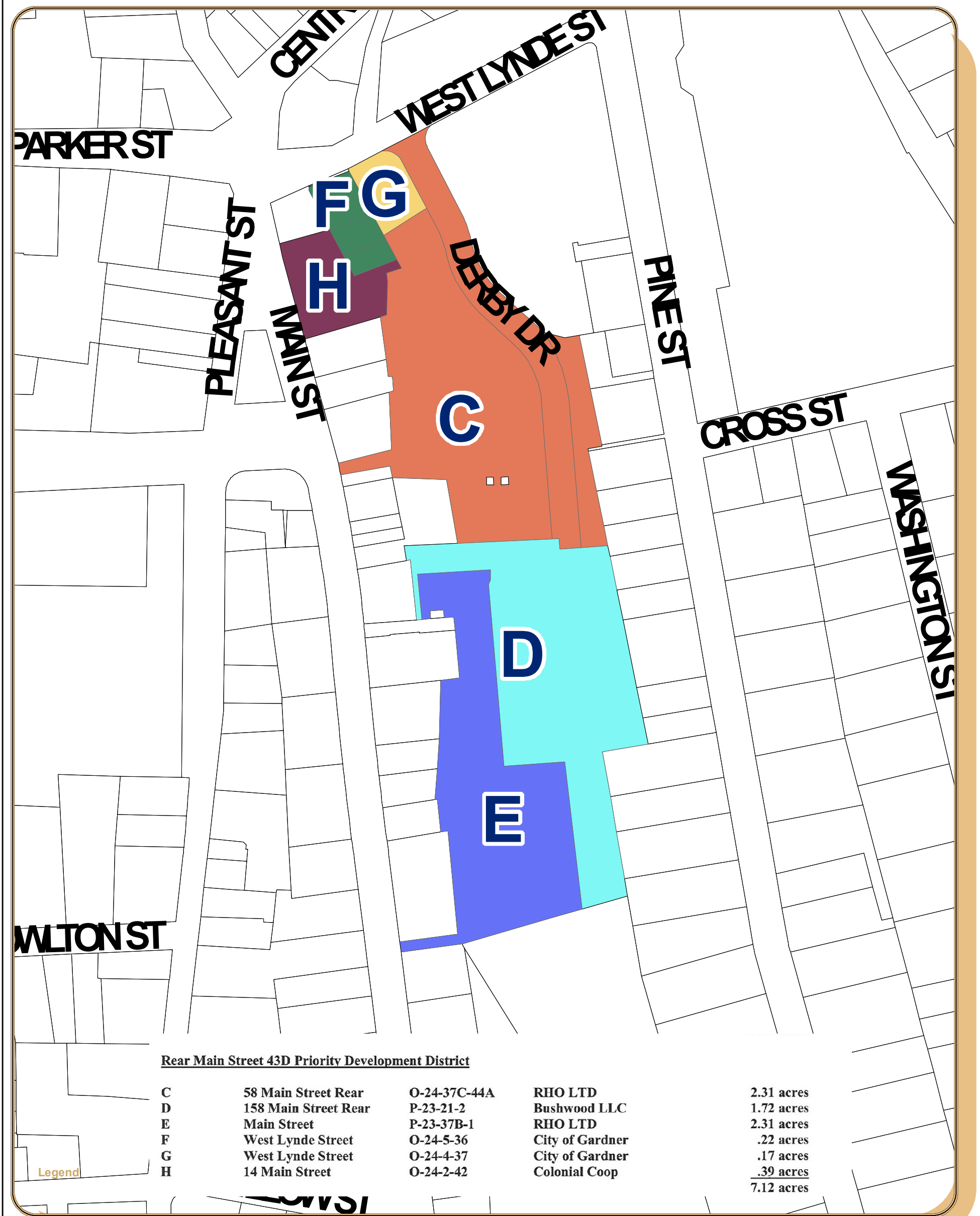
"Information displayed must not be used for authoritative boundary determinations or for authoritatively locating physical objects; the authoritative determination of boundary or other physical locations remains the purview of the professional land surveyor and, in the case of property boundaries, the professional title attorney". Note that legal parcel boundaries may or may not be coincident with visible features, and that some features (e.g. the coastline, river banks, and pond/lake edges) can move over time. Therefore, assumptions about coincidence with visible features must be carefully reviewed, case-by-case."

CITY OF GARDNER 43D PARCELS

DATA SOURCE: Office of Geographic and Environmental Information (MassGIS), Commonwealth of Massachusetts
Executive Office of Environmental Affairs
FILE LOCATION: ENGINEERING C:\GIS\DATA\MISC\HUBBARD\43D DISTRICTS
PRINTED: 7/26/2009

NAD83 datum, Massachusetts State Plane Mainland Zone coordinate system.





Rear Main Street 43D Priority Development District

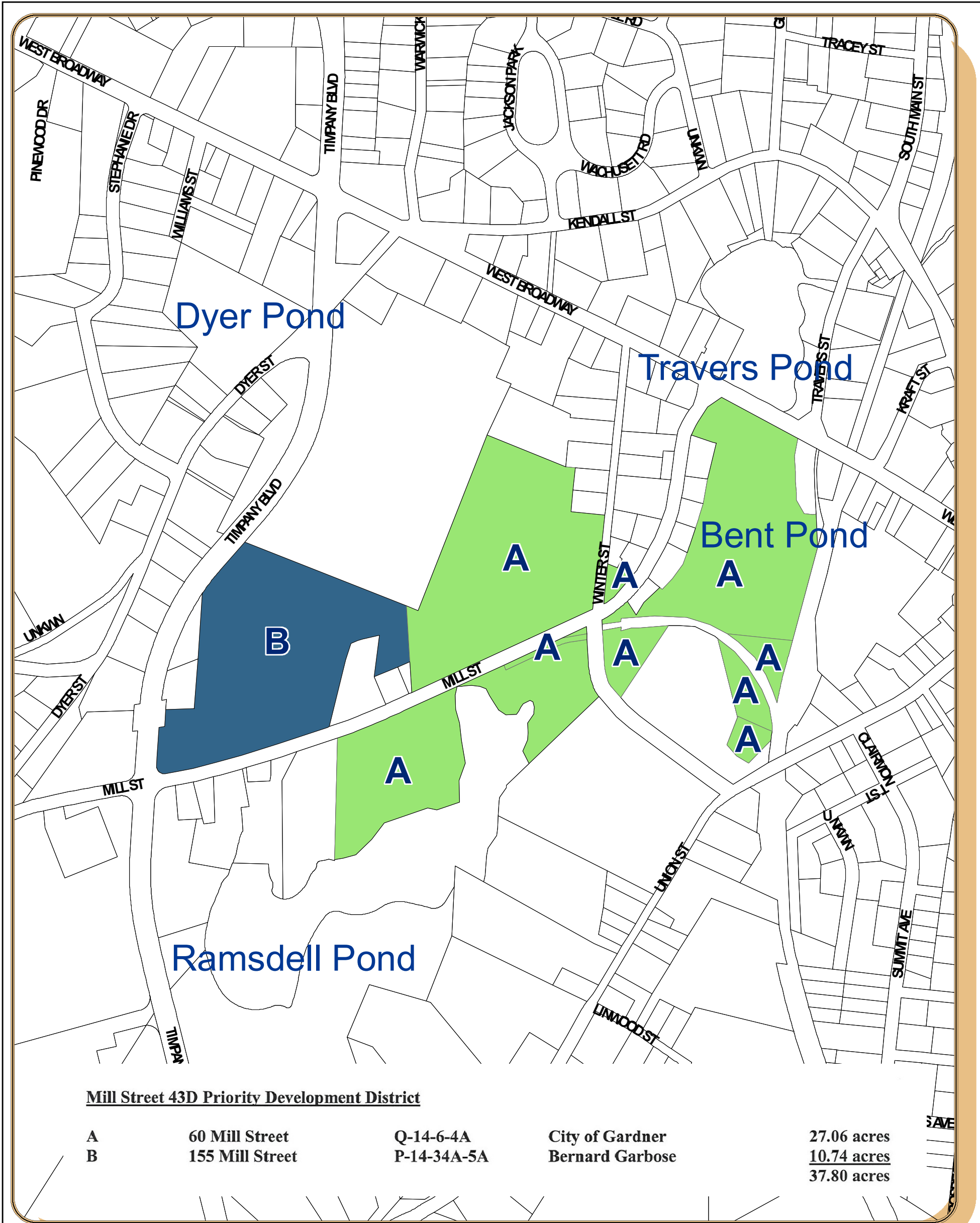
C	58 Main Street Rear	O-24-37C-44A	RHO LTD	2.31 acres
D	158 Main Street Rear	P-23-21-2	Bushwood LLC	1.72 acres
E	Main Street	P-23-37B-1	RHO LTD	2.31 acres
F	West Lynde Street	O-24-5-36	City of Gardner	.22 acres
G	West Lynde Street	O-24-4-37	City of Gardner	.17 acres
H	14 Main Street	O-24-2-42	Colonial Coop	.39 acres
				<u>7.12 acres</u>



**CITY OF GARDNER
PROPOSED 43D DISTRICTS - Appendix I**

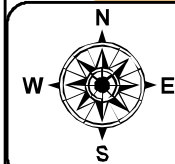
DATA SOURCE: Office of Geographic and Environmental Information (MassGIS), Commonwealth of Massachusetts
Executive Office of Environmental Affairs
FILE LOCATION: ENGINEERING C:\GIS\DATA\MISC\HUBBARD\43D DISTRICTS
PRINTED: 6/3/2018
NAD83 datum, Massachusetts State Plane Mainland Zone coordinate system.





Mill Street 43D Priority Development District

A	60 Mill Street	Q-14-6-4A	City of Gardner	27.06 acres
B	155 Mill Street	P-14-34A-5A	Bernard Garbose	<u>10.74 acres</u>
				37.80 acres



**CITY OF GARDNER
PROPOSED 43D DISTRICTS - Appendix III**

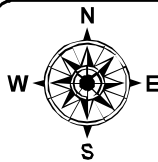
DATA SOURCE: Office of Geographic and Environmental Information (MassGIS), Commonwealth of Massachusetts
Executive Office of Environmental Affairs
FILE LOCATION: ENGINEERING C:\GIS\DATA\MISC\HUBBARD\43D DISTRICTS
PRINTED: 6/30/2018
NAD83 datum, Massachusetts State Plane Mainland Zone coordinate system.





Summit Industrial Park 43D Priority Development District

I	88 Suffolk Lane	X-37-1-13	Lenihan & Pappas	3.31 acres
J	245 Suffolk Lane	X-37-8A-16	Advanced Realty LLC	11.97 acres
K	Suffolk Lane	Y-36-68-7	Gardner Redevelopment Auth.	<u>99.38 acres</u>
				114.66 acres



**CITY OF GARDNER
PROPOSED 43D DISTRICTS - Appendix II**

DATA SOURCE: Office of Geographic and Environmental Information (MassGIS), Commonwealth of Massachusetts
Executive Office of Environmental Affairs
FILE LOCATION: ENGINEERING C:\GIS\DATA\MISC\HUBBARD\43D DISTRICTS
PRINTED: 6/3/2018
NAD83 datum, Massachusetts State Plane Mainland Zone coordinate system.



CITY OF GARDNER
DETERMINATION OF PERMITS REQUIRED
(MGL Chapter 43D Expedited Permitting)

Date _____

To: Board of Health, Building Commissioner (ZBA), City Engineer, Conservation Commission,
DPW, Fire Department, Planning Board

Name of Applicant _____

Name of Project _____

Property Address _____

Assessor's Map/Block/Lot _____

All applicants seeking to use the expedited permitting processes must meet with the Development Review Committee prior to submitting an application. The first step is to meet with the Director of Community Development & Planning ('Director') to discuss the proposed project and schedule a meeting with the Development Review Committee.

Development Review Committee (DRC) will meet on _____.

Within three (3) business-days after the DRC meeting, each Issuing Authority must identify on the attached Check List which permits will be required and provide the 'Director' with a copy of the relevant application form(s) or a web-address where the form(s) is available. If the fee is not listed on the form, please provide the 'Director' with the appropriate application fee.

Within five (5) business-days after the DRC meeting, the 'Director' must give the applicant a packet providing all application forms or the web-addresses to access application forms required to permit the project. Your assistance is appreciated.

MARK THE CIRCLE IF PERMIT REQUIRED**Planning Board Permits and Fee Schedule**Special Permits

- | | |
|--|---|
| ○ Water Supply Protection | \$250 |
| ○ Smart Growth and Development Overlay | \$150 plus \$25/dwelling unit and \$0.10/SF for non-residential |
| ○ Industrial & Commercial Heritage | \$150 plus \$25/dwelling unit and \$0.10/SF for non-residential |
| ○ Infill Development | \$250 |
| ○ Open Space Residential Development | \$150 plus \$25/lot |

Site Plan Review

- | | |
|-------------------------|---|
| ○ Preliminary Site Plan | \$150 |
| ○ Definitive Site Plan | \$150 plus \$25/dwelling unit and \$0.10/SF for non-residential |

Applications forms and instructions for Special Permits under the Planning Board's jurisdiction are available on the City's website: <http://www.gardner-ma.gov/specialpermitrules.html>. Applications forms and instructions for Site Plan Review are available on the City's website: <http://www.gardner-ma.gov/forms/commdev/SitePlanReviewProcess.pdf>

Zoning Board of Appeal Permits and Fees Schedule

- | | |
|--------------------------------------|-------|
| ○ <u>Special Permits</u> | \$250 |
| ○ <u>Variance, Finding or Appeal</u> | \$130 |

All application forms and instructions are available on the City's website: <http://www.gardner-ma.gov/zoningboard.html>

Conservation Commission Permits and Fee Schedule

- | | |
|---|-----|
| ○ <u>Request for Determination of Applicability</u> | \$0 |
|---|-----|

Notice of Intent and Abbreviated Notice of Intent

- | | |
|--|-----------------------|
| ○ Category 1 – Existing Single Family House (SFH) | \$110 each activity |
| ○ Category 2 – Each New SFH | \$500 each activity |
| ○ Category 3 – Each Commercial, Industrial, Apt/Condo | \$1,050 each activity |
| ○ Category 4 – Roadways, Flood Control, Dredging, etc. | \$1,450 each activity |
| ○ Category 5 – Dock, Piers, etc. | \$4/LF |
| ○ Category 6 – Resource Area Determination | \$2/LF |
| ○ <u>Riverfront Area</u> as well as another resource area additional 50% | |

All Wetland Protection Act application forms are available on line from MassDEP: <http://www.mass.gov/dep/water/approvals/wwforms.htm#wetlands>

Note: The exact fee associated with the application for any permit will be determined by the Issuing Authority. The cost of publishing required public notices is NOT included in the Planning Board and Conservation Commission fee schedules.

MARK THE CIRCLE IF PERMIT REQUIRED**Department of Public Works and City Engineer Permits and Fee Schedule**

- Road Opening Permit \$100

Water Connection

- Up to 2" \$2,500
- 4" \$5,000
- 6" \$7,500
- 8" or over \$10,000

Sewer Connection

- 6" \$1,840
- 8" \$3,750

Inspections

- Water (residential & commercial) \$35
- Water (industrial) \$55
- Sewer (residential & commercial) \$35
- Sewer (industrial) \$55
- Drainage \$35
- Inflow and Infiltration (I/I) Fee \$2 per gallon based on Title 5
- Driveway or Alter Existing Curb or Sidewalk \$25

The application form for Driveway or Alter Curb or Sidewalk is available at: <http://gardner-ma.gov/forms/drivewaypermit.pdf>. All other forms are available at: <http://www.gardner-ma.gov/forms/w-s-d-permit-2006.pdf> and <http://www.gardner-ma.gov/forms/ROADOPENINGPERMIT.pdf>

Board of Health Permits and Fee Schedule

- Perc Test \$150
- Sewage Disposal (Septic) System \$200 < 500gpd residential
\$300 > 500gpd residential or commercial
- Well \$100 installation; \$25 alteration/repair
- Site Assignments for Noisome Trades (solid waste, gravel removal, etc) refer to DEP website (link below)

Application forms, fees and instructions for permits related to Septic Systems and Wells are available on the City's website: http://gardnerma.virtualtownhall.net/Pages/GardnerMA_Health/septic. Instructions and fee schedule for Site Assignments are available on DEP's website: <http://www.mass.gov/dep/service/regulations/310cmr16.pdf>

Note: The exact fee associated with the application for any permit will be determined by the Issuing Authority.

MARK THE CIRCLE IF PERMIT REQUIRED**GARDNER FIRE DEPT. FEE SCHEDULE AS OF MARCH 10, 2008**

<input type="radio"/> Smoke/Carbon Monoxide Detector Inspection (one unit)	\$25
<input type="radio"/> Smoke/Carbon Monoxide Detector Inspection (multi unit)	\$50
<input type="radio"/> Carbon Monoxide Detector Inspection (one unit)	\$25
<input type="radio"/> Carbon Monoxide Detector Inspection (multi unit)	\$50
<input type="radio"/> Residential Plan Review	\$10
<input type="radio"/> Commercial Plan Review (per 1000 sq. ft)	\$10
<input type="radio"/> Oil Burners	\$25
<input type="radio"/> L.P. Gas/Storage	\$25
<input type="radio"/> Underground Tank Installation (per tank)	\$100
<input type="radio"/> Underground Tank Removal (per tank)	\$50
<input type="radio"/> Flammable Fluids, Solids & Gas	\$25
<input type="radio"/> Maintain Existing/New Underground	
<input type="radio"/> Storage Facility	\$25
<input type="radio"/> System Modification	\$25
<input type="radio"/> Sprinkler System Installation	\$25
<input type="radio"/> Facility Renewal (5yr./ownership)	\$25
<input type="radio"/> Aboveground Storage	\$50
<input type="radio"/> Tank Truck Inspection	\$50
<input type="radio"/> Blasting Permits	\$25
<input type="radio"/> Black Powder Storage	\$10
<input type="radio"/> Smokeless Powder Storage	\$10
<input type="radio"/> Ammunition	\$10
<input type="radio"/> Space Heaters	\$25
<input type="radio"/> Trench Permit	\$25
<input type="radio"/> Copies of Fire Reports	\$10

Except for Trench Permits, application forms for all other permits required by the Fire Department are available on-line from the Office of the State Fire Marshall:

http://www.mass.gov/?pageID=eopsterminal&L=5&L0=Home&L1=Public+Safety+Agencies&L2=Massachusetts+Department+of+Fire+Services&L3=Department+of+Fire+Services&L4=Office+of+the+State+Fire+Marshal&sid=Eeops&b=terminalcontent&f=dfs_osfm_forms_osfm_for_ms&csid=Eeops

The application form for the Trench Permit is available on the City's website:

<http://gardnerma.virtualtownhall.net/Pages/GardnerMA>.

Note: The exact fee associated with the application for any permit will be determined by the Issuing Authority.

CITY OF GARDNER
DETERMINATION OF COMPLETENESS WORKSHEET
(MGL Chapter 43D Expedited Permitting)

Name of Project _____ Date _____

Property Address _____ Assessor's M/B/L _____

Under the provisions of MGL Chapter 43D, the Director of Community Development and Planning (hereinafter 'Director') has 20 business-days after submission of an application to consult with appropriate 'Issuing Authorities' and to determine the completeness of an application. The attached application was submitted on _____. A determination of completeness shall be made by the 'Director' on or before _____. The 20 business-day review period may be waived or extended for good cause upon written request of an Issuing Authority with the consent of the applicant. If the 'Director' fails to notice the applicant by certified mail within 20 business-days from the date of submitting the application, the application shall be deemed complete.

Each Issuing Authority is requested to provide the information requested below and return this form to the 'Director' on or before _____.

Issuing Authority	Complete/Not Complete*/No Permit Req'd	Date of Determination	Name of Reviewer	Date Rec'd by 'Director'
Planning Board				
Zoning Board of Appeals				
Conservation Commission				
City Engineer				
Board of Health				
Fire Department				
Dept. of Public Works				

***If an Issuing Authority determines that an application is incomplete, the Issuing Authority shall provide the 'Director' a written explanation as to why the application is incomplete and clearly identify what information is necessary to complete the application.**

Completeness verification sent to Applicant _____

Telephone and E-mail list

City of Gardner
95 Pleasant Street
Gardner, MA 01440
www.gardner-ma.gov

Mayor's Office

Mark P. Hawke, Mayor, 978-632-1900, mayor@gardner-ma.gov

Department of Community Development & Planning

Robert Hubbard, Director, 978-630-4014, rhubbard@gardner-ma.gov

Engineering/Survey Department

Robert Hankinson, City Engineer, 978-630-4010, rhankinson@gardner-ma.gov

Department of Public Works

Dane Arnold, Director, 978-632-7661, darnold@gardner-ma.gov

Building Department

Richard Reynolds, Building Commissioner, 978-630-4007, rreynolds@gardner-ma.gov

Police Department

Neil Erickson, Chief, 978-632-3575, nerickson@gardner-ma.gov

Fire Department

Ronald Therrien, Chief, 978-630-4052, rtherrien@gardner-ma.gov

Planning Board

Robert Hubbard, Director, 978-630-4014, rhubbard@gardner-ma.gov

Zoning Board of Appeals

Richard Reynolds, Building Commissioner, 978-630-4007, rreynolds@gardner-ma.gov

Conservation Commission

Richard Turcotte, Conservation Agent, 978-630-4011, rturcotte@gardner-ma.gov

Board of Health

Bernard Sullivan, Director, 978-630-4013, bsullivan@gardner-ma.gov

Traffic Commission

Rock Barrieau, Deputy Chief, 978-632-5600, rbarrieau@gardner-ma.gov

State and Federal Permits Related to Land-Based Development

This list of State and Federal Permits is not intended to be all-inclusive. Anyone considering a land-based development that might require State and/or Federal Permits should consult with a professional engineer or surveyor as early in the process as possible.

State Permits

- Massachusetts Environmental Policy Act, or MEPA- www.mass.gov/envir/mepa
- Massachusetts Clean Waters Act, Sewer Extension/Connection Permits- www.mass.gov/dep/water/laws/regulati.htm then click on Sewer for information or on the left there is a link for permits
- Massachusetts Clean Waters Act, Surface Water and/or Groundwater Discharge Permits- same as above except click on Groundwater
- Waterways, Great Ponds and Tidelands Construction License- www.mass.gov/dep/water/resources/waterway.htm then you can choose overview or permit questions
- Massachusetts Clean Air Act Approval- www.mass.gov/czm/permitguide/regs/cleanair.htm for permit information or www.mass.gov/dep/air/index.htm for other information on the Act
- Massachusetts Endangered Species Act- www.mass.gov/dfwele/dfw/nhesp/regulatory_review/mesa/mesa_home.htm
- Hazardous Waste Management Permits- www.mass.gov/dep/recycle/hazwaste.htm then on the left it provides different links for information
- Massachusetts Historical Commission Approval- www.sec.state.ma.us/mhc then has multiple links for info and forms
- State Highway Access Permit- www.mhd.state.ma.us then click on Access Regulations on the left for information or click on www.mhd.state.ma.us/downloads/permitLayouts/state_highway_access_permit.pdf for the permit application

Federal Permits

- National Environmental Policy Act (NEPA)- www.fws.gov/habitatconservation/nepa.html
- Clean Water Act, Section 404 Permit- www.fws.gov/habitatconservation/cwa.htm or www.wetlands.com/regs/sec404fc.htm
- Clean Water Act, Water Quality Certification Approval- www.mass.gov/dep/water/laws/regulati.htm then click on Water Quality
- Rivers and Harbors Act of 1899, Section 10 Permit- www.usace.army.mil/CECW/Pages/reg_materials.aspx then click on the appropriate Act for information
- National Flood Insurance Act and Flood Disaster Protection Act Certification- <http://www.fema.gov/library/viewRecord.do?id=2216>
- Clean Air Act Permits or Approvals- www.epa.gov/air/caa then click on Permits in the Table of Contents
- National Historic Preservation Act Section 106 Review- www.achp.gov/106summary.html
- Environmental Protection Agency Stormwater Notices of Intent and/or NPDES Permits- www.epa.gov/region09/water/npdes/stormwater.html